UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SQUARE ENIX COMPANY, Ltd., Plaintiff, vs. XANGA.COM, INC.; and JOHN DOES 1-10, Defendants.	No. COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff Square Enix Company, Ltd. ("Plaintiff"), by and through counsel, respectfully submits this Complaint against defendants Xanga.com, Inc. and John Does 1-10 ("Defendants"). In support thereof, Plaintiff alleges as follows:

I. PARTIES

1.1 Plaintiff is a corporation organized and existing under the laws of Japan.

1.2 Defendant Xanga.com, Inc. ("Xanga") is, on information and belief, a corporation doing business in Washington State. Xanga facilitates online communication by providing what it describes as a community of online diaries and journals to and from its members in Washington and elsewhere.

GRAHAM & DUNN PC
Pier 70, 2801 Alaskan Way ~ Suite 300
Seattle, Washington 98121-1128
(206) 624-8300/Fax: (206) 340-9599

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1.3 Defendants John Does 1-10 are unknown persons who, on information and belief, engaged in conduct that infringed plaintiff's copyright, including making infringing material available to members and users of Xanga.com in the state of Washington.

II. JURISDICTION AND VENUE

2.1 This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States, 17 U.S.C. § 101 et seq. ("Copyright Act").

2.2 The Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2.3 This Court has personal jurisdiction over the Defendants because they conduct business in Washington and operate an interactive website and/or blog that is accessible to and utilized by residents of Washington.

2.4 Venue is proper in this Court pursuant to 28 U.S.C. §1391 (b) and 28 U.S.C. §1400(a) because the asserted claims arose within this district and because the Defendants, or their agents, engaged in business and/or unlawful conduct in this state.

III. FACTS

3.1 Plaintiff is the creator and owner of all rights in the "Final Fantasy" series of games, motion pictures, merchandise, and other derivatives.

3.2 One of Plaintiff's recent creations is the copyrighted full-length motion picture *Final Fantasy VII: Advent Children* ("Copyrighted Film"). The Copyrighted Film was created and has been released in Japan, but has not yet been released in the United States. Plaintiff has a registration pending before the U.S. Patent and Trademark Office for this non-U.S. work. The Copyrighted film is protected by the Copyright Act under Article 5 of the Berne Convention. Both Japan and the United States are signatories to the Berne Convention.

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3.3 In late 2005, an unauthorized copy of the entire Copyrighted Film was made available for free download by users and members of the Xanga.com website. Xanga made the download available by linking users of its site to a blog site that offered the pirated film.

3.4 The blog site linked to Xanga.com was owned and/or operated by John Does 1-10.

IV. FIRST CAUSE OF ACTION (COPYRIGHT INFRINGEMENT)

4.1 Plaintiff incorporates herein and realleges the allegations set forth in Sections I through III above.

4.2 Plaintiff is, and at all relevant times has been, the copyright owner under the Copyright Act and the Berne Convention with respect to certain non- U.S. copyrighted images created in Japan, including the Copyrighted Film.

4.3 Among Plaintiff's exclusive rights under the Copyright Act are the exclusive rights to reproduce, to display or exhibit, and to distribute the Copyrighted Film. 17 U.S.C § 106.

4.4 Defendants, without the permission or consent of Plaintiff, have used electronic media to distribute and make available for downloading the Copyrighted Film. In doing so, Defendants violated Plaintiff's exclusive right of reproduction and distribution. Defendants' actions constitute infringement of Plaintiff's rights under the Copyright Act.

4.5 On information and belief, the infringing acts of John Does 1-10 were willful and intentional, and in disregard of the rights of Plaintiff.

4.6 As a result of Defendants' infringement of Plaintiff's copyright and exclusive rights under the Copyright Act, Plaintiff is entitled to statutory damages pursuant to 17 U.S.C. § 504(c). Plaintiff also is entitled to its attorneys' fees and costs pursuant to 17 U.S.C. § 505.

4.7 The conduct of the John Doe Defendants, unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot fully be compensated or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502

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and 503, Plaintiff is entitled to injunctive relief prohibiting Defendants from further infringing Plaintiff's copyrights, and ordering Defendants to destroy all copies of the Copyrighted Film in their possession or control.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For an injunction prohibiting Defendants from further infringing Plaintiff's copyrights, and ordering Defendants to destroy all copies of the Copyrighted Film in their possession or control.

2. For damages in an amount to be proven at trial.

3. For Plaintiff's costs in this action.

4. For Plaintiff's reasonable attorneys' fees incurred herein; and

5. For such other relief as the Court may deem just.

DATED this 18th day of January, 2006.

GRAHAM & DUNN PC

By [signature]
K. Michael Fandel
WSBA# 16281
Email: mfandel@grahamdunn.com
Attorneys for Plaintiff Square Enix

GRAHAM & DUNN PC
Pier 70, 2801 Alaskan Way ~ Suite 300
Seattle, Washington 98121-1128
(206) 624-8300/Fax: (206) 340-9599